

GEORGE C. HUTCHINSON (SBN 138735)  
PATRICK L. BLAIR (SBN 201345)  
LEGAL SOLUTIONS 2 U  
A Professional Corporation  
18201 Von Karman, Ste. 701  
Irvine, California 92616  
Telephone: (855) 755-2928  
Facsimile: (855) 755-2928  
[gchutchinson@legalsolutions2u.com](mailto:gchutchinson@legalsolutions2u.com)

Attorneys for Defendant:  
BRANDREP, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

A1 ON TRACK SLIDING DOOR  
REPAIR AND INSTALLATION,  
INC, SYLVIA SCHICK, and  
DEBORAH SCHICK, individually  
and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

BRANDREP, LLC, a Delaware  
limited liability company,

Defendant.

Case No. 3:21-CV-03013-SI

**HUTCHINSON DECLARATION  
IN SUPPORT OF BRANDREP,  
LLC'S REPLY TO  
OPPOSITION TO MOTION TO  
DISMISS FOR IMPROPER  
VENUE (FRCP 12(b)(3)) AND, IN  
THE ALTERNATIVE, MOTION  
TO TRANSFER VENUE (28  
U.S.C. § 1404)**

Date: November 12, 2021  
Time: 10:00 a.m.  
Courtroom: 1  
Judge: Hon. Susan Illston

First Amended Complaint Filed on  
April 29, 2021

**HUTCHINSON DECLARATION IN SUPPORT OF BRANDREP, LLC'S  
REPLY TO OPPOSITION TO MOTION TO DISMISS FOR IMPROPER  
VENUE (FRCP 12(b)(3)) AND, IN THE ALTERNATIVE, MOTION TO  
TRANSFER VENUE (28 U.S.C. § 1404)**

1. I am an attorney in the State of California and the owner of Legal Solutions

1 2 U, APC, the law firm representing defendant Brandrep, LLC  
2 (“Brandrep”) in this action.  
3

4 2. I have discussed the allegations of the first amended complaint in this  
5 matter (“FAC”) with BrandRep.

6 3. I have successfully represented BrandRep in various Telephone Consumer  
7 Protection Act (“TCPA”) claim defenses and am familiar with BrandRep’s  
8 TCPA protection history and marketing strategies as these were topics of  
9 discussion with my client on this case and all previous TCPA claims.  
10

11 4. BrandRep has layers of TCPA and do not call (“DNC”) protections in place  
12 to ensure no violation of TCPA and DNC regulations. In fact, and by way  
13 of example, the only times that I’ve seen BrandRep sued for TCPA claims  
14 was by professional plaintiffs who have made a business out of  
15 manufacturing and devising TCPA claims.  
16

17 5. BrandRep has expressed to me that given the extensive protocols BrandRep  
18 has in place to ensure compliance with TCPA and DNC regulations, it is  
19 BrandRep’s belief that the plaintiffs in this case are professional plaintiffs  
20 for profit who have made litigation their business and are serial TCPA  
21 litigants who have devised and/or manufactured a scheme to drum up  
22 TCPA claims even against companies, like BrandRep, with layers of  
23 protection from TCPA and DNC violations.  
24

25 6. Brandrep has no record of calling the numbers allegedly owned by plaintiffs  
26  
27  
28

1 in the manner alleged in the FAC (with respect to the numbers called with  
2 on certain dates).

3  
4 7. Brandrep has a long history of extensive protocols in place to ensure that it  
5 does not violate the TCPA. In working with BrandRep on TCPA claims  
6 before BrandRep's marketing lead source owners and operators explained  
7 to me that leads in 2017 were finger-dialed by a live person who handled  
8 the call with a preformatted script.

9  
10 8. Brandrep has expressed that they only call verified lead sources that are  
11 pre-determined and screened to be in compliance with TCPA and DNC  
12 regulations.

13  
14 9. This case has a history that goes back before the filing of the April 29, 2021  
15 FAC and April 26, 2021 complaint.

16  
17 10. Plaintiffs' counsel, Taylor Smith and Rebecca Davis filed an identical  
18 TCPA complaint against Brandrep on 7/28/20 (Case # 3:20-cv-05110-TSH  
19 in the Northern District of California). The Plaintiffs were J. Scott Threde,  
20 Louis Floyd, Sylvia Schick, and Maria Schafer.

21  
22 11. On 11/3/2020, I asked attorney Taylor Smith for the plaintiffs' phone bills.

23  
24 12. I was informed by Attorney Smith on 11/4/2020 that he had dismissed the  
25 case without prejudice. On that same day, I again demanded the plaintiffs  
26 phone bills.

27  
28 13. On 11/28/2021, attorney Smith finally gave me plaintiff J. Scott Threde's

1 bill, but no one else's.

2 14. On 2/1/2021, after analyzing the bill, I was able to show attorney Smith  
3 that the alleged phone number was not owned by Brandrep at the time of  
4 the alleged call and that the number has been registered to Geico since  
5 07/20/1993 with no porting changes and that for Brandrep to make such a  
6 call from the alleged number would be impossible.  
7  
8

9 15. Then, the same attorneys filed the instant case on April 26, 2021 with the  
10 following plaintiffs: J. Scott Threde, Louis Floyd, Sylvia Schick, and Maria  
11 Schafer.  
12

13 16. Apparently after realizing that J. Scott Threde was not a viable plaintiff,  
14 and that Maria Schaeffer lived in Huntington Beach (in the Central  
15 District), the attorneys filed the FAC in Northern District on April 29, 2021  
16 eliminating both plaintiffs and renaming Louis Floyd individually to his  
17 business name listing the following plaintiffs: A1 On Track Sliding Door  
18 Repair and Installation, Inc. ("A1 On Track" originally Louis Floyd), Sylvia  
19 Schick, and Deborah Schick. The FAC eliminated plaintiff J. Scott Threde.  
20 Interestingly, the FAC replaced plaintiff Louis Floyd with A1 on Track  
21 (with the same facts), and eliminated Maria Schaeffer who lived in  
22 Huntington Beach (Central District), suspiciously inferring a venue  
23 shopping preference for the Northern District.  
24  
25  
26  
27

28 17. Despite agreeing to provide them, attorney Smith has since refused to

1 provide the phone records of the remaining plaintiffs. He claims he does  
2 not have them yet each of the Plaintiffs are professional plaintiffs for profit  
3 with multiple TCPA claims filed or threatened to be filed with the courts for  
4 years before the underlining case was filed. Each filed case references the  
5 same exact numbers alleged in the operative complaint in this case. I have  
6 even been handed evidence that reflects a collusion between the plaintiffs to  
7 share in TCPA claims.  
8

9  
10 18. Based on evidence provided to my office it is my belief that these plaintiffs  
11 have no standing to sue in this case.  
12

13 19. Since each number and plaintiff have been litigating TCPA claims with the  
14 same numbers for years, I find it hard to believe that the phone bill for each  
15 plaintiff and number is not within counsel's possession given their plaintiffs  
16 history of TCPA claims. I believe that he has refused to provide them  
17 because they would show that the remaining plaintiffs have no claim, like  
18 with J. Scott Threde.  
19  
20

21 20. Maria Schaffer, Louis Floyd (aka A1 On Track Sliding Door Repair and  
22 Installation), and Sylvia Schick were professional plaintiffs of Todd  
23 Friedman's office, whom BrandRep sued for manufacturing illegal TCPA  
24 claims. It is suspicious that many of the same plaintiffs are now being  
25 represented by Taylor Smith and Rebecca Davis after Todd Friedman's  
26 office promised to never sue BrandRep again after their last failed TCPA  
27  
28

1 claim against BrandRep where BrandRep filed counter-claims against  
2 TCPA plaintiffs and Todd Friedman's office successfully defeating Todd  
3 Friedman's Motion to Dismiss and Anti-SLAPP motions.  
4

5 21. By way of a non-exhaustive set of examples the plaintiffs in this case have  
6 made being a plaintiff for profit through a series of TCPA litigation claims  
7 including case numbers:  
8

9 a. 3:2020cv05110

10 b. 2:2020cv04671

11 c. 5:2020cv01520

12 d. 5:2020cv02162

13 e. 5:2020cv03486

14 f. 5:2020cv03502

15 g. 3:2020cv04585

16 h. 3:2020cv05110

17 i. 3:2019cv01407

18 j. 2:2020cv00645

19 k. 8:2020cv00187

20 l. 8:2019cv01743

21 m. 3:2018cv06889

22 n. 3:2020cv05110

23 o. 3:2020cv01170  
24  
25  
26  
27  
28

1 p. 1:2019cv01185

2 q. 3:2020cv02231

3  
4 22. I find it highly suspicious that in a TCPA case where the plaintiffs for years  
5 have initiated multiple TCPA claims against multiple parties using the same  
6 exact telephone number alleged in the FAC that the plaintiffs and their  
7 counsel are unwilling to show their phone records which are the basis of  
8 their complaint. The phone records would be the most basic piece of  
9 foundational evidence needed to show that plaintiffs even received a call  
10 from defendant.  
11  
12

13 23. Based on my discussions with BrandRep and their agents, I believe the  
14 defendant has a just and complete defense to the FAC for the following  
15 reasons: 1) Brandrep did not contact any of the plaintiffs as alleged in the  
16 complaint, 2) even if Brandrep did contact any of the plaintiffs, it was not  
17 likely with an artificial or prerecorded voice without some act on behalf of  
18 the Plaintiffs to manufacture their TCPA claims eliminating any safeguard  
19 protocol that BrandRep would have in place, 3) BrandRep has extensive  
20 protocols in place to ensure that it does not violate the TCPA, and (4)  
21 BrandRep has produced evidence to me that each number listed in the  
22 complaint was a business landline at the time of each of the alleged calls  
23 with express written consent to be called which are exceptions under the  
24 TCPA (47 U.S.C. § 227 (a) 5), by virtue of listing them on public websites.  
25  
26  
27  
28

1  
2 I declare under penalty of perjury under the laws of the State of California  
3  
4 and the United States of America that the foregoing is true and correct.  
5

6 Dated: October 19, 2021

LEGAL SOLUTIONS 2 U  
A Professional Corporation

7  
8  
9 /s/ George C. Hutchinson  
George C. Hutchinson  
Declarant and Attorney for  
Defendant Brandrep, LLC  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28